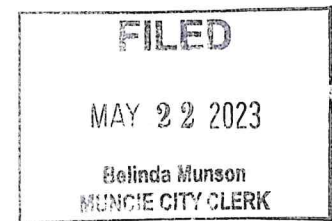


ORDINANCE NO. 9-23



AN ORDINANCE TO AMEND ORDINANCE NO. 27-22 VACATING A PORTION OF 5TH STREET (aka ANTHONY STREET) IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA

WHEREAS, on October 3, 2022, the Common Council of the City of Muncie adopted Ordinance 27-22, which vacated a portion of 5th Street (aka Anthony Street), as platted in the Goshorn and Luton subdivision to the City of Muncie, Indiana, as more particularly described hereinafter; and

WHEREAS, the Petitioners that initiated Ordinance No. 27-22 recently attempted to record Ordinance No. 27-22, but the Delaware County Recorder's Office rejected the filing because: (1) the property owner names on the approved Ordinance 27-22 did not match the official ownership records of the Delaware County Recorder; and (2) a relevant parcel number changed between the time of adoption of Ordinance No. 27-22 and the attempt to record Ordinance No. 27-22; and

WHEREAS, Ordinance No. 27-22 needs amended to correct the errors that prevented the recording of Ordinance No. 27-22; and

WHEREAS, the necessary amendments are clerical in nature and do not enlarge or reduce the portion of 5th Street that was vacated through the adoption Ordinance No. 27-22; and

WHEREAS, because the amendments do not enlarge or reduce the portion of 5th Street that was vacated, it is not necessary to hold a new hearing or provide new notice that is typically required for a street vacation as those requirements were satisfied prior to the adoption of Ordinance No. 27-22; and

WHEREAS, the Common Council previously determined that the vacation will not hinder the growth or orderly development of the neighborhood or the City of Muncie; and

WHEREAS, the Common Council previously determined that the vacation will not hinder

the use of any public way by the neighborhood in which it is located; and

WHEREAS, the Common Council previously determined that the vacation will not make access to the lands of any person difficult or inconvenient; and

WHEREAS, the Common Council previously determined that the vacation will not hinder the public's access to any church, school or other public building or place.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Muncie, Indiana, as follows:

1. The following portion of 5th Street (aka Anthony Street) is hereby vacated, subject to all easements of existing public utilities and restrictions of record and joined to Parcel No. 18-11-14-330-003.000-003, owned by Jeffrey S. Nibarger and Tammy Nibarger, and Parcel No. 18-11-14-329-005.000-003, owned by Jeffrey Scot Nibarger.

The vacation of a portion of the 50-foot-wide street platted Anthony Street (5th Street) between Lot 6 of Block 13 and Lot 1 of Block 17 in the Goshorn and Luton Subdivision of the Walling Tract an Addition to the City of Muncie, described as follows:

Beginning at the Southwest corner of Lot 6, Block 13, in the Goshorn and Luton Subdivision of the Walling Tract; thence North 89 degrees 36 minutes 14 seconds East 125.00 feet to the Southeast corner of said Lot 6; thence South 00 degrees 35 minutes 33 seconds East 50.00 feet to the Northeast corner of Lot 1 Block 17 in said addition; thence South 89 degrees 36 minutes 14 seconds West 125.00 feet to the Northwest corner of said Lot 1; thence North 00 degrees 35 minutes 33 seconds West 50.00 feet to the point of beginning, containing 0.14 of an acre, more or less.

2. A survey of the street vacated hereby is attached hereto as Exhibit A.

3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Muncie.

	YEAS	NAYS	ABSTAINED	ABSENT
Jeff Green	_____	_____	_____	_____
Brandon Garrett	_____	_____	_____	_____
Jeff Robinson	_____	_____	_____	_____
Isaac Miller	_____	_____	_____	_____
Jerry Dishman	_____	_____	_____	_____
Roger Overbey	_____	_____	_____	_____
Aaron Clark	_____	_____	_____	_____
Roza Selvey	_____	_____	_____	_____
Troy Ingram	_____	_____	_____	_____

Passed by the Common Council of the City of Muncie, Indiana, this _____ day of _____, 2023.

President
Common Council, City of Muncie

ATTEST:

Belinda Munson, Clerk

This ordinance presented by me, the Clerk of the City of Muncie, Indiana, to the Mayor for his approval this _____ day of _____, 2023.

Belinda Munson, Clerk

This ordinance signed and approved by me, the Mayor of the City of Muncie, Indiana, this _____ day of _____, 2023.

Dan Ridenour, Mayor

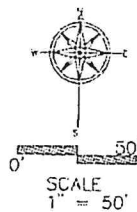
This ordinance is proposed by Council Member _____

This ordinance is approved in form by Legal Counsel _____

[Signature] in-form
[Signature] G. Eivin

[For Purposes of Recording in Real Estate Records]

"I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law." Name: Allison Guntle



Ashton^{INC}
Land Surveyors

COPY

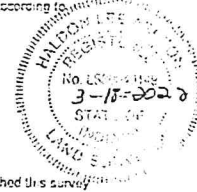
EXHIBIT



Tract 1 (Vacation of a part of 5th Street)
 A 50-foot-wide street platted Anthony Street (5th Street) between Lot 6 of Block 13 and Lot 1 of Block 17 in the Goshorn and Lupton Subdivision of the Waring Tract an Addition to the City of Muncie, described as follows:
 Beginning at the Southwest corner of Lot 6, Block 13, in the Goshorn and Lupton Subdivision of the Waring Tract; thence North 89 degrees 35 minutes 14 seconds East 125.00 feet to the Southeast corner of said Lot 6, thence South 00 degrees 35 minutes 33 seconds East 50.00 feet to the Northeast corner of Lot 1 Block 17 in said addition; thence South 89 degrees 35 minutes 14 seconds West 125.00 feet to the Northwest corner of said Lot 1; thence North 00 degrees 35 minutes 33 seconds West 50.00 feet to the point of beginning, containing 0.14 of an acre, more or less.

I hereby certify that to the best of my information, knowledge and belief the within plat represent a survey, executed according to survey requirements in 665 IAC 1-12-7 made under my supervision and completed on March 16, 2022.

Haldon L. Ashton
 Registered Land Surveyor LS60040149
 Haldon L. Ashton



Surveyor's Note

The Relative Positional Accuracy (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a Suburban (more or less 0.13 feet) Survey.

1. In accordance with the Indiana Survey Standards as defined in Indiana Administrative Code 865 IAC 1-12-7 (Rule 12'), the following opinions and observations are submitted regarding uncertainties in the location of the lines and corners established by this survey as a result of: a. Availability, condition and integrity of reference monuments; b. Record documents; c. Lines of occupation; and d. Measurements (Theoretical Uncertainty)

There may be unknown rights associated with these uncertainties

Reference Monuments

Pins marking lot corners were located in Block 13 at corners of Lots 7, 9 and 11
 Pins marking lot corners in Block 17 were located at corners of Lot 5 and 66-feet South of the Southwest corner of Lot 3.
 Our firm formerly staked Lots 1 and 2 in Block 17.

Occupation

There are no apparent inconsistencies associated with lines of occupation


Record Descriptions

The street, 5th Street, is described for the purpose of vacation of that unimproved street.
 The bearings shown on this drawing are based on the State Plane Coordinate System, instead of assumed datum.

2. Flood Zone:

- The within tract does not lie within that Special Flood Hazard Zone A as said tract plots by scale on Community Panel #18035C02610 of the Flood Insurance Rate Maps for Delaware County, Indiana (Maps Dated: 07/04/2011)
- The minimum flood risk was verified by the INDNR Flood Plain Information Portal—dated March 15, 2022.
- Ownership shown herein is per County Records or as indicated in title work provided by others
- The within survey was performed without benefit of evidence of source of title and is subject to any statement of facts revealed by same. This qualification will be removed upon receipt and inspection of current title work and copies of Schedule B items listed herein.

This Instrument Prepared by: Haldon L. Ashton
 Accuracy or completeness of subsurface features is not certified.

<p>Revisions</p>		<p>STREET VACATION GOSHORN & LUPTON ADDITION</p>	
<p>Date: Reason:</p>			
<p>Date: Reason:</p>			
<p>Drawn: KLM Date: 3/17/2022 Job: 2021830 Client: JEFF NIDANGER Owner: JEFF NIDANGER Crew: EHA Electronic Field Book Field Date: 3/17/2022 LUPPS REF #</p>			
<p>SECTION CORNER COORDINATES ARE BASED ON INDIANA STATE PLANE EAST ZONE (NORTH AMERICAN DATUM OF 1983, CORRS 96 EPCD 2002.000)</p> <p>I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW (HALDON L. ASHTON).</p>		<p>Sheet 2 OF 2</p>	

STATE OF INDIANA)
)SS:
DELAWARE COUNTY)

BEFORE THE COMMON COUNCIL OF
THE CITY OF MUNCIE, INDIANA

IN RE:

JEFF NIBARGER AND)
TAMMY NIBARGER)
 Petitioners.

PETITION TO VACATE 5th STREET

Come now the Petitioners, Jeff Nibarger and Tammy Nibarger, and respectfully petition the Common Council of the City of Muncie, Indiana to vacate a portion of 5th Street (aka Anthony Street), as the same has been previously platted in the Goshorn and Luton Subdivision to the City of Muncie, Indiana. In support thereof the Petitioners state and reference the property to be vacated, as follows:

I. VACATION OF PUBLIC WAY

1. Petitioners seek the vacation of 5th Street (aka Anthony Street), as the same has been previously platted in the Goshorn and Luton Subdivision to the City of Muncie, Indiana, all as described herein, and as shown on the survey drawing attached hereto as Exhibit "A".

2. The portions of said street to be vacated, and the abutting parcels to which they shall be joined, are legally described as follows:

a. The following portion of 5th Street (aka Anthony Street), to be vacated, subject to all easements of existing public utilities and restrictions of record which is joined to Parcel No(s). 18-11-14-330-001.000-003; 18-11-14-329-005.000-003, owned by Jeff Nibarger and Tammy Nibarger.

The vacation of a portion of the 50 foot-wide street platted Anthony Street (5th Street) between Lot 6 of Block 13 and Lot 1 of Block 17 in the Goshorn and Luton Subdivision of the Walling Tract an Addition to the City of Muncie, described as follows:

Beginning at the Southwest corner of Lot 6, Block 13, in the Goshorn and Luton Subdivision of the Walling Tract; thence North 89 degrees 36 minutes 14 seconds East 125.00 feet to the Southeast corner of said Lot 6; thence South 00 degrees 35 minutes 33 seconds East 50.00 feet to the Northeast corner of Lot 1 Block 17 in said addition; thence south 89 degrees 36 minutes 14 seconds West 125.00 feet to the Northwest corner of said Lot 1; thence North 00 degrees 35 minutes 33 seconds West 50.00 feet to the point of beginning, containing 0.14 of an acre, more or less.

3. The Petitioners are owners of real estate adjacent to the street sought to be vacated by this Petition.
4. There are no other entities with an ownership interest in the surrounding property excluding the City of Muncie, Indiana, and any utilities with easements in the street to be vacated.
5. A survey drawing showing the street which the Petitioners seek to vacate is attached hereto, made a part hereof, and marked "Exhibit A."
6. No person nor municipality nor utility will suffer by reason of the vacation of the said streets and alleys.
7. The proposed vacation of the streets and alleys will not make access to the lands of any person or entity difficult or inconvenient.
8. The proposed vacation will not damage the neighborhood in which it has been platted.
9. The vacation will not hinder the public access to any church, school or other public building or place nor will the vacation hinder the growth and/or orderly development of the neighborhood or the City of Muncie, Indiana.
10. Any vacation shall be subject to the rights of existing utilities, if any shall exist, unless waived or otherwise released by such utility.
11. The Clerk of Common Council of the City of Muncie shall give notice of the petition and of the time and place of public hearing in the manner prescribed in 1C 5-3-1.

WHEREFORE, the Petitioners request that the above-described street be vacated by ordinance of the Common Council of the City of Muncie, Indiana.

[Signature Page to Follow]

We, the undersigned, Jeff Nibarger and Tammy Nibarger, affirm under the penalties of perjury that the foregoing representations are true to the best of my knowledge and belief.

Jeff Nibarger

By: 

Printed: Jeff Nibarger

Title: _____

Tammy Nibarger

By: 

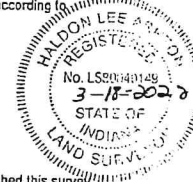
Printed: Tammy Nibarger

Title: _____

Tract 1 (Vacation of a part of 5th Street)
 A 50-foot-wide street platted Anthony Street (5th Street) between Lot 6 of Block 13 and Lot 1 of Block 17 in the Goshorn and Lupton Subdivision of the Walling Tract an Addition to the City of Muncie, described as follows:
 Beginning at the Southwest corner of Lot 6, Block 13, in the Goshorn and Lupton Subdivision of the Walling Tract; thence North 89 degrees 36 minutes 14 seconds East 125.00 feet to the Southeast corner of said Lot 6; thence South 00 degrees 35 minutes 33 seconds East 50.00 feet to the Northeast corner of Lot 1 Block 17 in said addition; thence South 89 degrees 36 minutes 14 seconds West 125.00 feet to the Northwest corner of said Lot 1; thence North 00 degrees 35 minutes 33 seconds West 50.00 feet to the point of beginning, containing 0.14 of an acre, more or less.

I hereby certify that to the best of my information, knowledge and belief the within plat represent a survey, executed according to survey requirements in 855 IAC 1-12-7 made under my supervision and completed on March 16, 2022.

Haldon L. Ashton
 Registered Land Surveyor LS80040149
 Haldon L. Ashton



Surveyor's Note

The Relative Positional Accuracy (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a Suburban (more or less 0.13 feet) Survey.

1. In accordance with the Indiana Survey Standards as defined in Indiana Administrative Code 865 IAC 1-12-7 ("Rule 12"), the following opinions and observations are submitted regarding uncertainties in the location of the lines and corners established by this survey as a result of: a. Availability, condition and integrity of reference monuments; b. Record documents; c. Lines of occupation; and d. Measurements (Theoretical Uncertainty).

There may be unwritten rights associated with these uncertainties.

Reference Monuments

Pins marking lot corners were located in Block 13 at corners of Lots 7, 9 and 11.
 Pins marking lot corners in Block 17 were located at corners of Lot 3 and 66-feet South of the Southwest corner of Lot 3.
 Our firm formerly staked Lots 1 and 2 in Block 17.

Occupation

There are no apparent inconsistencies associated with lines of occupation.

Record Descriptions

The street, 5th Street, is described for the purpose of vacation of that unimproved street.
 The bearings shown on this drawing are based on the State Plane Coordinate System, instead of assumed datum.

2. Flood Zone:

- The within tract does not lie within that Special Flood Hazard Zone A as said tract plots by scale on Community Panel #18035C0261D of the Flood Insurance Rate Maps for Delaware County, Indiana (Maps Dated: 07/04/2011).
- The minimum flood risk was verified by the INDNR Flood Plain Information Portal—dated: March 16, 2022.
- Ownership shown hereon is per County Records or as Indicated in title work provided by others.
- The within survey was performed without benefit of evidence of source of title and is subject to any statement of facts revealed by same. This qualification will be removed upon receipt and inspection of current title work and copies of Schedule B items listed herein.

This Instrument Prepared by: Haldon L. Ashton
 Accuracy or completeness of subsurface features is not certified.

Revisions	<p style="text-align: center;">STREET VACATION GOSHORN & LUPTON ADDITION</p> <p style="text-align: center;">SECTION CORNER COORDINATES ARE BASED ON INDIANA STATE PLANE EAST ZONE (NORTH AMERICAN DATUM OF 1983, CORRS 96 EPOC 2002.000)</p> <p>I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW (HALDON L. ASHTON),</p>	<p style="text-align: right;">224 West Washington Street, Muncie, Indiana 47302 716.652.1838 Fax 716.652.1552 Email: info@ashtonsurveyors.com</p>
Date: Reason:		
Date: Reason:		
Drawn: KLM Date: 3/17/2022 Job: 2021835 Client: JEFF NIBARGER Owner: JEFF NIBARGER Crew: EJA Electronic Field Book Field Date: 3/11/2022 IUPPS REF.#		

Ord. 27-22

STATE OF INDIANA)
)SS:
DELAWARE COUNTY)

BEFORE THE COMMON COUNCIL
OF THE CITY OF MUNCIE, INDIANA

IN RE: Jeff and Tammy Nibarger

NOTICE OF PETITION TO VACATE
STREETS AND HEARING THEREON

TO: The City of Muncie, Indiana, and the Citizens Thereof:

You are hereby notified that Jeff Nibarger and Tammy Nibarger have filed a petition with the Common Council of the City of Muncie, Indiana to vacate a portion of 5th Street (aka Anthony Street) in the City of Muncie, Delaware County, Indiana, being the 50 foot-wide street platted Anthony Street (5th Street) between Lot 6 of Block 13 and Lot 1 of Block 17 in the Goshorn and Luton Subdivision of the Walling Tract, an Addition to the City of Muncie, described as follows:

A VACATION beginning at the Southwest corner of Lot 6, Block 13, in the Goshorn and Luton Subdivision of the Walling Tract; thence North 89 degrees 36 minutes 14 seconds East 125.00 feet to the Southeast corner of said Lot 6; thence South 00 degrees 35 minutes 33 seconds East 50.00 feet to the Northeast corner of Lot 1 Block 17 in said addition; thence South 89 degrees 36 minutes 14 seconds West 125.00 feet to the Northwest corner of said Lot 1; thence North 00 degrees 35 minutes 33 seconds West 50.00 feet to the point of beginning, containing 0.14 of an acre, more or less.

You are further notified that said petition and the things at issue will be heard and determined by the Common Council of the City of Muncie, Indiana, on the 12th day of September 2022 at 6:45 P.M. at the City Hall, 300 North High Street, Muncie, Indiana.

IN WITNESS WHEREOF, the Clerk of the City of Muncie, Indiana, has affixed her signature and official seal this 29th day of August 2022.



Belinda Munson

CLERK, City of Muncie, Indiana

Ord. 27-22

Original

STATE OF INDIANA)
) SS:
DELAWARE COUNTY)

BEFORE THE COMMON COUNCIL
OF THE CITY OF MUNCIE, INDIANA

IN RE: Jeff and Tammy Nibarger

NOTICE OF PETITION TO VACATE
STREETS AND HEARING THEREON

TO: The City of Muncie, Indiana, and the Citizens Thereof:

You are hereby notified that Jeff Nibarger and Tammy Nibarger have filed a petition with the Common Council of the City of Muncie, Indiana to vacate a portion of 5th Street (aka Anthony Street) in the City of Muncie, Delaware County, Indiana, being the 50 foot-wide street platted Anthony Street (5th Street) between Lot 6 of Block 13 and Lot 1 of Block 17 in the Goshorn and Luton Subdivision of the Walling Tract, an Addition to the City of Muncie, described as follows:

A VACATION beginning at the Southwest corner of Lot 6, Block 13, in the Goshorn and Luton Subdivision of the Walling Tract; thence North 89 degrees 36 minutes 14 seconds East 125.00 feet to the Southeast corner of said Lot 6; thence South 00 degrees 35 minutes 33 seconds East 50.00 feet to the Northeast corner of Lot 1 Block 17 in said addition; thence South 89 degrees 36 minutes 14 seconds West 125.00 feet to the Northwest corner of said Lot 1; thence North 00 degrees 35 minutes 33 seconds West 50.00 feet to the point of beginning, containing 0.14 of an acre, more or less.

You are further notified that said petition and the things at issue will be heard and determined by the Common Council of the City of Muncie, Indiana, on the 12th day of September, 2022 at 7:00 P.M. at the City Hall, 300 North High Street, Muncie, Indiana.

IN WITNESS WHEREOF, the Clerk of the City of Muncie, Indiana, has affixed her signature and official seal this _____ day of August, 2022.

CLERK, City of Muncie, Indiana

Corrected
time for
6:45 pm



CenterPoint Energy
Land Services
P.O. Box 1700
Noblesville, IN 46061

UTILITY
Letters

Ord. 27-22

April 6, 2022

Jeff & Tammy Nibarger
1204 Oakland Ave.
Muncie, IN 47302

Re: Partial vacation of 5th Street (aka Anthony St) bounded on the north by Lot 6 of Block 13 of the Goshorn and Lupton subdivision of the Walling Tract in the City of Muncie, Indiana, bounded on the south by Lot 1 of Block 17 of Goshorn and Lupton subdivision of the Walling Tract, bounded on the east by the west edge of the 1st alley west of Ribble Ave, and bounded on the west by Oakland Ave in the City of Muncie, Center Twp, Delaware Co, Indiana, a part of the southwest quarter of Section 14, Township 20N, Range 10E.

Dear Mr. and Mrs. Nibarger:

Please accept this correspondence as the formal response by Indiana Gas Company, Inc., an Indiana corporation doing business as CenterPoint Energy Indiana North(CenterPoint) to your request for our review of the partial vacation of 5th Street (aka Anthony Street) contained within the City of Muncie, Delaware County, Indiana. Our records indicate CenterPoint has facilities in the area to be vacated.

CenterPoint does not object to the vacation of said right of way. However, a review of CenterPoint's records indicates the presence of natural gas facilities owned and maintained by CenterPoint within the public right-of-way. Therefore, CenterPoint intends to retain an easement right to operate, maintain and replace these facilities pursuant to Indiana Code 36-7-3-16(b) if this public right of way is vacated. CenterPoint also reserves the right to review any proposed improvements within the vacated public right of way to protect its ability to use its easement rights. Should the proposed improvements adversely affect CenterPoint's ability to exercise its easement rights, CenterPoint would not allow said improvements. To avoid future misunderstandings, CenterPoint requests that vacation documents indicate the vacation is subject to the presence of CenterPoint's facilities and its statutory easement rights to operate, maintain and replace these facilities.

An alternative to CenterPoint's retention of these easement rights would involve the relocation of the pipeline facilities that are within this portion of 5th Street. Assuming the possibility of obtaining a signed contract from the petitioners, a full advance payment from the petitioners for the necessary work to be performed, and a mutually acceptable alternate route, CenterPoint would consider relocating existing facilities.

CenterPoint Energy

A handwritten signature in black ink, appearing to read "Thomas R. Lingle", written over a horizontal line.

Thomas R. Lingle
Right of Way Agent
Land and Field Services

MUNCIE SANITARY DISTRICT



www.munciesanitary.com

5120 W. KILGORE AVENUE • MUNCIE, INDIANA 47304
PHONE: 765-747-4879 FAX: 765-288-3347

April 7, 2022

Muncie Common Council
City Hall
300 North High Street
Muncie, IN 47305

Re: Proposed 5th Street Vacation

Dear Council Members:

The Muncie Sanitary District has existing sanitary sewer facilities within the proposed vacation of 5th Street (Anthony Street per the plat of Goshorn & Lupton Subdivision of the Walling Tract) adjacent to the 1200 South Oakland Avenue. The District does not object to this vacation as long as an easement of record for these facilities is provided by the petitioner prior to said vacation.

Sincerely,

John D. Anderson, P.E.
District Engineer



153 N. Emerson Ave
Greenwood, IN 46143

P 317-995-3801
F 317-885-2431

To: Tammy Nibarger
From: Amrit Singh
Date: April 8, 2022
Re: Vacate Land - Nibarger Land Survey (Muncie, IN)

Indiana-American Water has reviewed your survey for the land vacation request on the east side of Oakland Ave, north of property 1200 S Oakland Ave, Muncie, IN.

We do not have any facilities or land rights within or crossing the parcel to be vacated per the attached exhibit.

Thank You,

Amrit Singh, P.E.
Engineering Manager
Indiana-American Water Company, Inc
153 N. Emerson Ave
Greenwood, IN 46143
Phone: (317) 995-3801
amrit.singh@amwater.com



300 North High Street · Muncie, Indiana 47305
www.cityofmuncie.com · Phone: (765) 747-4845

OFFICIAL LETTER

Thursday, April 14, 2022

RE: Vacation of City Owned Right of Way, 5th street between Oakland Avenue the N/S alley

To Whom It May Concern:

The right of way hereinafter referred to as the ROW is located between lot 1 to the south, and lot 6 to the north, east of Oakland Avenue, and west of the 16-foot-wide alley, of the Goshorn & Lupton Addition consisting of approximately .14 acres. A survey has been provided by a registered surveyor of the state of Indiana with a Legal Description of the ROW. The ROW is not listed on the adopted thoroughfare plan, nor is it noted in planning documents for other uses to my knowledge as City Engineer. As there is no planned usage by the City, the common council of the City of Muncie, has my concurrence if they choose to release this City owned right of way to the adjacent land owners.

Adam K. Leach P.E.

City Engineer

Liz Guntle

From: Chey Carpenter Barr <cbarr@aep.com>
Sent: Thursday, June 9, 2022 6:54 PM
To: John LaRue
Subject: RE: confidential information form jblarue

Hello,

When we receive your petition to vacate, we will respond with a letter reserving the rights within said streets and/or alleys. We do not have an easement as our facilities are in the platted public utility easement.

Thank you,
Chey

From: John LaRue <jlarue@johnblarue.com>
Sent: Thursday, June 9, 2022 11:30 AM
To: Chey Carpenter Barr <cbarr@aep.com>
Subject: [EXTERNAL] FW: confidential information form jblarue

This is an **EXTERNAL** email. **STOP. THINK** before you **CLICK** links or **OPEN** attachments. If suspicious please click the '**Report to Incidents**' button in Outlook or forward to incidents@aep.com from a mobile device.

Ms. Barr –

I understand that you have been in communication with my paralegal Liz concerning property owned by one of our clients. She has forwarded me your most recent email indicating that AEP will not vacate the property. I am confused and think that perhaps we are not on the same page.

We are **not asking** AEP to vacate their interest in the subject property or existing easements. Rather, we are asking the City of Muncie to vacate their interests. The city simply wants AEP's consent to their action. So long as AEP's rights reserved and not otherwise impacted, I cannot understand why this would present an issue.

Please revisit this matter and if we need to speak further let me know a time and date that would be convenient.

Many thanks,

John



John B. LaRue
Attorney
Licensed in Indiana & North Carolina

Phone: 765-287-1717
Email: jlarue@johnblarue.com

4910 North Wheeling Avenue
Muncie, Indiana 47304

www.johnblarue.com

IRS CIRCULAR 230 DISCLOSURE:

In compliance with U.S. Treasury Regulations, we inform you that, unless otherwise expressly stated, any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and it cannot be used, by anyone for the purpose of (i) avoiding federal tax penalties that may be imposed by the Internal Revenue Service or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter addressed herein.

CONFIDENTIAL INFORMATION:

This message and any attachments may contain legally privileged or confidential information, and are intended only for the individual or entity identified above as the addressee. If you are not the addressee, or if this message has been addressed to you in error, you are not authorized to read, copy, or distribute this message and any attachments, and we ask that you please delete this message and attachments (including all copies) and notify the sender. Delivery of this message and any attachments to any person other than the intended recipient(s) is not intended in any way to waive confidentiality or a privilege. All personal messages express views only of the individual sender, and may not be copied or distributed without this statement.

From: Liz Guntle <lguntle@johnblarue.com>
Sent: Thursday, June 09, 2022 11:15 AM
To: John LaRue <jlarue@johnblarue.com>
Subject: FW: confidential information form jblarue

From: Chey Carpenter Barr <cbarr@aep.com>
Sent: Wednesday, June 8, 2022 5:03 PM
To: Liz Guntle <lguntle@johnblarue.com>
Subject: RE: confidential information form jblarue

Hello Liz,

As I stated in your office, we have overhead facilities within the streets and/or alleys. Therefore, we cannot issue a letter agreeing to a vacation. Should the landowner wish to inquire as to the possibility of relocating the line/lines, please instruct them to call 1-800-311-4634 to schedule an appointment with our engineering department to discuss the possibility. When we receive your petition to vacate, we will respond with a letter reserving the rights within said streets and/or alleys.

Sincerely,
Chey Barr



CHEY BARR | RIGHT OF WAY AGENT ASSOC
CBARR@AEP.COM | D:765 287 4343 | C:765 346 2942
5000 WHEELING AVE. MUNCIE IN 47304

From: Liz Guntle <lguntle@johnblarue.com>
Sent: Wednesday, June 1, 2022 9:44 AM
To: Chey Carpenter Barr <cbarr@aep.com>
Subject: [EXTERNAL] RE: confidential information form jblarue

This is an **EXTERNAL** email. **STOP. THINK** before you **CLICK** links or **OPEN** attachments. If suspicious please click the '**Report to Incidents**' button in Outlook or forward to incidents@aep.com from a mobile device.

Re: Nibarger - Partial vacation of 5th Street (aka Anthony Street) bounded on the north by Lot 6 of Block 13 of the Goshorn and Lupton subdivision of the Walling Tract, in the city of Muncie, Indiana, bounded on the south by Lot 1 of Block 17 of Goshorn and Lupton subdivision of the Walling Tract, bounded on the east by the west edge of the 1st alley west of Ribble Ave., and bounded on the west by Oakland Ave in the city of Muncie, Center Township, Delaware Co., Indiana, a part of the southwest quarter of Section 14, Township 20N, Range 10E.

Good morning Chey:

I hope you are well!

I wanted to inquire on the status of vacating the property for Nibarger, since it has been some time since we spoke. We have their paperwork prepared on our end, so it will just be a matter of receiving a letter from AEP agreeing to the vacate.

If there is any further information you need from us, please let me know. I appreciate your help!

Best wishes,

Liz
Legal Assistant

John B. LaRue, P.C.
4910 N Wheeling Ave., Muncie, IN 47304
Ph.: 765-287-1717
law@johnblarue.com

From: Liz Guntle
Sent: Friday, April 29, 2022 10:22 AM
To: Chey Carpenter Barr <cbarr@aep.com>
Subject: RE: confidential information form jblarue

Sure. Thanks.

From: Chey Carpenter Barr <cbarr@aep.com>
Sent: Friday, April 29, 2022 10:21 AM
To: Liz Guntle <lguntle@johnblarue.com>
Subject: RE: confidential information form jblarue

Good morning,

I am actually off work this afternoon and Monday, can I get back with you next week?

Thank you,
Chey Barr

From: Liz Guntle <lguntle@johnblarue.com>
Sent: Friday, April 29, 2022 10:07 AM
To: Chey Carpenter Barr <cbarr@aep.com>
Subject: [EXTERNAL] confidential information form jblarue

This is an **EXTERNAL** email. **STOP. THINK** before you **CLICK** links or **OPEN** attachments. If suspicious please click the '**Report to Incidents**' button in Outlook or forward to incidents@aep.com from a mobile device.

Re: vacating land – Scott and Tammy Nibarger

Good morning, Chey.

Thank you for stopping by the office yesterday. It was a pleasure meeting you.

Tammy Nibarger has confirmed that they are not interested in moving any AEP features or restricting access to AEP's facilities. Their goal is just to combine the grassy plot with their existing property.

Please let me know if there is anything further you will need.

Have a good weekend!

Liz
Legal Assistant

John B. LaRue, P.C.
4910 N Wheeling Ave., Muncie, IN 47304
Ph.: 765-287-1717
law@johnblarue.com

Classifieds

To advertise, visit:
classifieds.thestarpress.com

Classified Phone: 877.923.0228
Classified Email: classifieds@thestarpress.com
Public Notices/Legal Email: publicnotices@thestarpress.com



Public Notices

NOTICE TO TAXPAYERS

The Notice to Taxpayers is available online at www.budgetnotices.in.gov by calling (850) 739-9628. Complete details of budget estimates by fund and/or department may be seen by visiting the office of this unit of government at 300 N. High Street, Muncie, Indiana.

Notice is hereby given to taxpayers of MUNICE PUBLIC TRANSPORTATION, Delaware County, Indiana, that the proper officers of MUNICE PUBLIC TRANSPORTATION will conduct a public hearing on the year 2023 budget. Following this meeting, any ten or more taxpayers may object to a budget, tax rate, or a tax levy by filing an objection petition with the proper officers of MUNICE PUBLIC TRANSPORTATION not more than seven days after the hearing. The objection petition must identify the provisions of the budget, tax rate or tax levy to which taxpayers object. If a petition is filed, MUNICE PUBLIC TRANSPORTATION shall adopt with the budget a finding concerning the objections in the petition and testimony presented. Following the aforementioned hearing, the proper officers of MUNICE PUBLIC TRANSPORTATION will meet to adopt the following budget:

Public Hearing Date	Monday, September 12, 2022	Adoption Meeting Date	Monday, October 3, 2022
Public Hearing Time	6:45 PM	Adoption Meeting Time	7:00 PM
Public Hearing Location	300 N. High Street, Muncie, Indiana	Adoption Meeting Location	300 N. High Street, Muncie, Indiana

Estimated Civil Max Levy	\$4,042,186
Property Tax Cap Credit Estimate	\$2,302,940

Fund Name	Budget Estimate	Maximum Estimated Funds to be Raised (including appeals and levies exempt from maximum levy limitations)	Excessive Levy Appeals	Current Tax Levy	Levy Percentage Difference (Column 5 / Column 3)
8001-SPECIAL TRANSPORTATION GEN	\$9,351,047	\$8,548,186	\$0	\$5,780,814	12.71%
Total	\$9,351,047	\$8,548,186	\$0	\$5,780,814	

NOTICE TO TAXPAYERS

The Notice to Taxpayers is available online at www.budgetnotices.in.gov by calling (850) 739-9628. Complete details of budget estimates by fund and/or department may be seen by visiting the office of this unit of government at 300 N. High Street, Muncie, Indiana.

Notice is hereby given to taxpayers of MUNICE CIVIL CITY, Delaware County, Indiana, that the proper officers of MUNICE CIVIL CITY will conduct a public hearing on the year 2023 budget. Following this meeting, any ten or more taxpayers may object to a budget, tax rate, or a tax levy by filing an objection petition with the proper officers of MUNICE CIVIL CITY not more than seven days after the hearing. The objection petition must identify the provisions of the budget, tax rate or tax levy to which taxpayers object. If a petition is filed, MUNICE CIVIL CITY shall adopt with the budget a finding concerning the objections in the petition and testimony presented. Following the aforementioned hearing, the proper officers of MUNICE CIVIL CITY will meet to adopt the following budget:

Public Hearing Date	Monday, September 12, 2022	Adoption Meeting Date	Monday, October 3, 2022
Public Hearing Time	6:45 PM	Adoption Meeting Time	7:00 PM
Public Hearing Location	300 N. High Street, Muncie, Indiana	Adoption Meeting Location	300 N. High Street, Muncie, Indiana

Estimated Civil Max Levy	\$4,622,152
Property Tax Cap Credit Estimate	\$2,311,420

Fund Name	Budget Estimate	Maximum Estimated Funds to be Raised (including appeals and levies exempt from maximum levy limitations)	Excessive Levy Appeals	Current Tax Levy	Levy Percentage Difference (Column 5 / Column 3)
0001-ADMIN SERV	\$0	\$0	\$0	\$0	
0101-GENERAL	\$29,549,546	\$34,474,311	\$0	\$35,309,994	4.12%
0104-LOCAL INCOME TAX	\$0,326,421	\$0	\$0	\$0	
0104-PAID PERSON	\$0,481,261	\$2,660,028	\$0	\$1,529,881	73.29%
0202-PUBLIC POLICE	\$2,171,577	\$2,146,229	\$0	\$2,146,229	0.02%
0204-LOCAL ROAD & STREET	\$1,020,000	\$0	\$0	\$0	
0208-MOTION PICTURE HOMER	\$0,050,540	\$0	\$0	\$0	
1300-PARK	\$1,613,423	\$2,660,028	\$0	\$2,660,028	-13.24%
1300-PARK BOND	\$113,290	\$134,362	\$0	\$134,362	8.21%
2100-EDUCATION	\$4,648,428	\$4,142,071	\$0	\$4,142,071	0.02%
2100-EDUCATION CAPITAL IMP	\$1,723,720	\$0	\$0	\$0	
0101-ECONOMIC DEV INCOME TAX	\$4,292,736	\$0	\$0	\$0	
0500-Private Debt	\$794,381	\$0	\$0	\$0	
0501-Local Production	\$195,142	\$0	\$0	\$0	
0502-Local Entertainment Continuing Ed Fund	\$75,000	\$0	\$0	\$0	
0503-Local Entertainment Fund	\$26,776	\$0	\$0	\$0	
0504-Local Entertainment Fund	\$1,000	\$0	\$0	\$0	
0505-Local Entertainment Fund	\$15,144	\$0	\$0	\$0	
0506-Local Entertainment Fund	\$38,025	\$0	\$0	\$0	
0507-Local Entertainment Fund	\$2,573,171	\$0	\$0	\$0	
0508-Local Entertainment Fund	\$20,015	\$0	\$0	\$0	
Total	\$58,666,021	\$64,024,332	\$0	\$61,086,067	

STATE OF INDIANA
DELAWARE COUNTY

BEFORE THE COMMON COUNCIL
OF THE CITY OF MUNCIE, INDIANA

IN RE: Jeff and Tammy Nibarger
NOTICE OF PETITION TO VACATE
STREETS AND HEARING THEREON

TO: The City of Muncie, Indiana, and the Citizens Thereof:

You are hereby notified that Jeff Nibarger and Tammy Nibarger have filed a petition with the Common Council of the City of Muncie, Indiana, to vacate a portion of 5th Street (aka Anthony Street) in the City of Muncie, Delaware County, Indiana, being the 50 foot-wide street plat Anthony Street (5th Street) between Lot 6 of Block 13 and Lot 1 of Block 17 in the Goshorn and Luten Subdivision of the Walling Tract, an Addition to the City of Muncie, described as follows:

A VACATION beginning at the Southwest corner of Lot 6, Block 13, in the Goshorn and Luten Subdivision of the Walling Tract; thence North 89 degrees 14 minutes 14 seconds East 125.00 feet to the Southeast corner of said Lot 6; thence South 00 degrees 35 minutes 53 seconds East 50.00 feet to the Northeast corner of Lot 1 Block 17 in said addition; thence South 89 degrees 36 minutes 14 seconds West 125.00 feet to the Northwest corner of said Lot 1; thence North 00 degrees 35 minutes 53 seconds West 50.00 feet to the point of beginning, containing 0.14 of an acre, more or less.

You are further notified that said petition and the things at issue will be heard and determined by the Common Council of the City of Muncie, Indiana, on the 12th day of September 2022 at 6:45 P.M. at the City Hall, 300 North High Street, Muncie, Indiana.

IN WITNESS WHEREOF, the Clerk of the City of Muncie, Indiana, has affixed her signature and official seal this 29th day of August 2022.

Belinda Munson

CLERK, City of Muncie, Indiana

NOTICE TO TAXPAYERS

The Notice to Taxpayers is available online at www.budgetnotices.in.gov by calling (850) 739-9628.

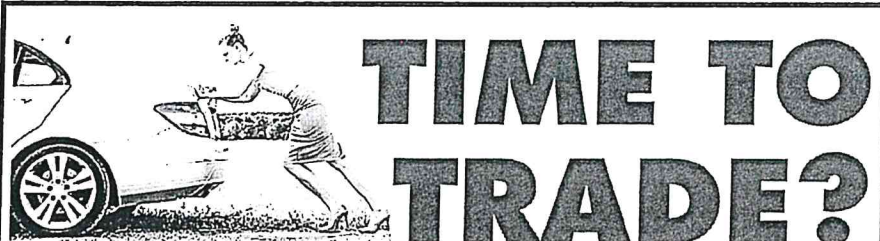
Complete details of budget estimates by fund and/or department may be seen by visiting the office of this unit of government at 300 N. High Street, Muncie, Indiana.

Notice is hereby given to taxpayers of MUNICE SANITARY, Delaware County, Indiana, that the proper officers of MUNICE SANITARY will conduct a public hearing on the year 2023 budget. Following this meeting, any ten or more taxpayers may object to a budget, tax rate, or a tax levy by filing an objection petition with the proper officers of MUNICE SANITARY not more than seven days after the hearing. The objection petition must identify the provisions of the budget, tax rate or tax levy to which taxpayers object. If a petition is filed, MUNICE SANITARY shall adopt with the budget a finding concerning the objections in the petition and testimony presented. Following the aforementioned hearing, the proper officers of MUNICE SANITARY will meet to adopt the following budget:

Public Hearing Date	Monday, September 12, 2022	Adoption Meeting Date	Monday, October 3, 2022
Public Hearing Time	6:45 PM	Adoption Meeting Time	7:00 PM
Public Hearing Location	300 N. High Street, Muncie, Indiana	Adoption Meeting Location	300 N. High Street, Muncie, Indiana

Estimated Civil Max Levy	\$12,277,250
Property Tax Cap Credit Estimate	\$6,111,420

Fund Name	Budget Estimate	Maximum Estimated Funds to be Raised (including appeals and levies exempt from maximum levy limitations)	Excessive Levy Appeals	Current Tax Levy	Levy Percentage Difference (Column 5 / Column 3)
8001-SPECIAL SANITARY GENERAL	\$9,213,183	\$11,470,000	\$0	\$10,681,343	5.41%
8900-SPECIAL SANITARY CUMULATIVE BUDG	\$600,000	\$450,000	\$0	\$409,488	5.00%
Total	\$9,813,183	\$11,920,000	\$0	\$11,090,831	



TIME TO TRADE?

Find a great deal in The
Star Press Classifieds

Star Press.
PART OF THE USA TODAY NETWORK

FILED

SEP 01 2022

Belinda Munson
MUNCIE CITY CLERK